

Signature

Date

Remarks

Reconsideration of this Application is requested. Claims 1-3 are currently pending claim in this application.

I. FINALITY OF OFFICE ACTION

The examiner indicated that the office action mailed March 2, 2004 (to which this response is responsive to) is final. Applicants respectfully traverse this in view of the 35 USC 103 rejection applied in the March 2, 2004 office action. Specifically, the examiner applied new prior art references (namely, Article 7/1998 and Article 8/1995) in the 35 USC 103 rejection of the claims, which claims did not change in any material way from former amendments thus not requiring a new prior art search by the examiner. Applicants respectfully submit the finality of the March 2, 2004 office action be removed. In the event the finality of the office action it is not removed, applicants are also concurrently filing a Notice of Appeal so they do not have to incur any additional fees.

II. 35 USC REJECTION OF THE CLAIMS

Claims 1-3 stand rejected under 35 USC 103 as being obvious over Article 7/1998 ("the '1998 article") in view of Article 8/1995 ("the '1995 article"). For at least the below explained reason, this rejection is respectfully traversed.

Independent claim 1 currently recites of a method used in an incoming mailpiece sorting apparatus that is able to determine the sort cost attributable to each addressee for their respective mailpieces sorted in the incoming mailpiece sorting apparatus. This cost is determined by the number, and type, of mailpieces attributable to a specific addressee. Specifically, claim 1 recites, inter alia:

- d) storing a piece count for each one of the plurality of mailpieces sorted using the incoming mail sorting apparatus, the piece count stored in association with corresponding addressee information from the database of addressees and said determined type of mailpiece in the incoming mail sorting apparatus; and

- e) calculating incoming sorting cost information using the piece count stored in association with the corresponding addressee.

For instance, suppose a first addressee has 200 mailpieces sorted in the incoming sorting apparatus wherein 150 of them are flats and the other 50 are postcards. It's attributable sorting costs will be different than that compared to a second addressee who had 400 mailpieces sorted in the incoming sorting apparatus wherein 300 of them were flats and the remaining 50 were postcards. Thus, this present invention method is greatly advantageous in allocating the sorting cost for each addressee that uses a common incoming sorting apparatus.

With respect to the '1998 and '1995 articles, it is submitted neither of them teach nor suggest this claimed feature of the present invention. With specific reference to the '1998 article, the examiner admits it does not "calculat[e] the sorting cost information using the piece count stored in association with the corresponding addressee (steps (d) and (e))." In this regard, the examiner applies the '1995 article since it arguably "teach[es] about automation of mail pieces with OCR sorting apparatus whereby sorting costs of mailpieces are calculated (\$3.00/1000 letters using OCR system of the Postal Service Computer Equipment) and each OCR contains a data base for every delivery address in the nation for computing and correction of the information." However, this recitation from the '1995 article, and all the teachings of the '1995 article for that matter, fail to teach or suggest of attributing sorting costs to specific addressees having mailpieces processed in a common incoming sorting apparatus. This is because both the '1995 and '1998 articles are directed towards the advantages of using automated sorting systems in the U.S Postal distribution centers as opposed to more manual sorting processes. And clearly one of the advantages would be the cost savings realized by the U.S. Postal Service. This is evident in the '1995 article which states that with OCR automated sorting equipment, the cost for sorting 1000 letters is \$3.00.

However, when taken under the context of the present invention, both the '1995 and '1998 articles are clearly unconcerned with the claimed steps (d) and (e) of claim 1 of the present invention method. The '1995 and '1998 articles have no reason to be concerned with allocating sorting costs to individual addressees because these articles

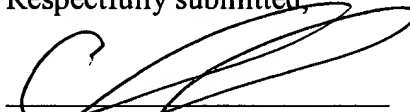
concern the virtues of using automated sortation in U.S. Postal distribution centers and would have no reason to provide a suggestion or teaching of allocating U.S. Postal sorting costs to individual addressees based upon the number and type of mailpieces. Apart from using hindsight, doing so would just make no sense with U.S. Postal sorting equipment. Thus, "calculating incoming sorting cost information using the piece count stored in association with [a] corresponding addressee" is clearly not taught or suggested by the combination of the '1995 article with the '1998 article.

Accordingly, it is submitted that Claims 1-3 are allowable over the '1995 article in combination with the '1998 article and that this rejection be removed.

III. CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that pending claims 1-3 are in condition for allowance and favorable action thereon is requested. If the Examiner should have any questions, he is kindly urged to contact the undersigned attorney.

Respectfully submitted,



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